



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
PROCTOR, JR.

Serial No. 10/634,148

Confirmation No. 5101

Filing Date: August 4, 2003

For: FORWARD ERROR CORRECTION  
SCHEME FOR HIGH RATE DATA  
EXCHANGE IN A WIRELESS SYSTEM)

Examiner: E. ORGAD

Art Unit: 2684

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE  
PATENTING REJECTION OVER A PRIOR PATENT

Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Assignee, Tantivy Communications, Inc., having a mailing address of 300 Delaware Avenue, Suite 527, Wilmington, Delaware 19801, verifies through its duly authorized representative that it is the owner of all right, title and interest in United States Patent Application Serial No. 10/634,148 (hereinafter "the '148 Patent Application").

A chain of title from the inventor to the current assignee is shown below:

1. An Assignment from the inventor to Tantivy Communications, Inc. in parent application Serial No. 09/301,484 filed April 28, 1999, now U.S. Patent No. 6,614,776 issued September 2, 2003. The Assignment was recorded in the parent application on April 28, 1999, at Reel 9943, Frame 756.

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2. An Assignment from Tantivy Communications, Inc. to InterDigital Acquisition Corp. The Assignment was recorded in the above identified application on February 26, 2004, at Reel 15000, Frame 141.

3. An Assignment from InterDigital Acquisition Corp. to InterDigital Patent Corporation. The Assignment was recorded in the above identified application on February 19, 2004, at Reel 14351, Frame 777.

4. A Merger from InterDigital Acquisition Corp. to InterDigital Patent Corporation. The Merger was recorded in the above identified application on February 18, 2004, at Reel 15000, Frame 577.

5. An Assignment from InterDigital Patent Corporation to Tantivy Communications, Inc. The Assignment was recorded in the above identified application on February 26, 2004, at Reel 15017, Frame 577.

Assignee hereby disclaims, except as provided below, the terminal part of any patent granted on the '148 Patent Application which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §154 to §156 and §173 of U.S. Patent No. 6,614,776. Assignee hereby agrees that any patent so granted on the '148 Patent Application shall be enforceable only for and during such period that it and the '776 Patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the Grantee, its successors or assigns.

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In making the above disclaimer, Assignee does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §154 to §156 and §173 of the prior patent, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term.

For submission on behalf of Assignee, the undersigned is the attorney of record.

Enclosed is a check for \$130.00 to cover the Terminal Disclaimer fee. If any additional extension and/or fee is required charge Deposit Account No. **01-0484**.

Respectfully submitted,

  
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**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: MAIL STOP AMENDMENT, COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450, on this 26<sup>th</sup> day of September, 2005.

A handwritten signature, appearing to read "Justin Dar", written over a horizontal line.